

Adopted

Rejected

COMMITTEE REPORT

YES: 13
NO: 0

MR. SPEAKER:

*Your Committee on Local Government, to which was referred Senate Bill 506, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-8.1-9.5-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. For purposes of this
- 5 chapter:
- 6 "Claimant agency" means any state department, institution,
- 7 commission, committee, board, division, bureau, authority, officer, ~~or~~
- 8 official, **or clerk of a circuit court.**
- 9 "Debtor" means any person or legal entity that is delinquent in
- 10 paying a debt to a claimant agency that has not been adjudicated
- 11 satisfied by court order, set aside by court order, or discharged in
- 12 bankruptcy.
- 13 "Debt" means any liquidated amount owed and due to a Title IV-D
- 14 agency of another state, or to any claimant agency which has accrued
- 15 through contract, subrogation, assignment for purposes of collection,
- 16 tort, operation of law, or any other legal theory, regardless of whether

1 there is an outstanding judgment for that sum."

2 Page 4, line 9, delete "six percent (6%)" and insert "**three percent**
3 **(3%)**".

4 Page 4, line 10, delete "fee." and insert "**fee and may transfer not**
5 **more than three percent (3%) of the fee to the:**

6 (1) **county treasurer, if the fee is collected by a clerk of the**
7 **circuit court, and the county treasurer shall deposit the**
8 **money transferred under this subdivision into the county**
9 **general fund; or**

10 (2) **city general fund, if the fee is collected by the city clerk or**
11 **city clerk-treasurer."**

12 Page 5, between lines 8 and 9, begin a new paragraph and insert:

13 "SECTION 7. IC 33-19-6.5 IS ADDED TO THE INDIANA CODE
14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2003]:

16 **Chapter 6.5. Credit Card Service Fee**

17 **Sec. 1. This chapter applies to any transaction in which:**

18 (1) **the clerk is required to collect money from a person,**
19 **including:**

20 (A) **bail;**

21 (B) **a fine;**

22 (C) **a civil penalty;**

23 (D) **a court fee or court cost; or**

24 (E) **a fee for the preparation, duplication, or transmission**
25 **of a document; and**

26 (2) **the person pays the clerk by means of a credit card, debit**
27 **card, charge card, or similar method.**

28 **Sec. 2. A payment made under this chapter does not finally**
29 **discharge the person's liability and the person has not paid the**
30 **liability until the clerk receives payment or credit from the**
31 **institution responsible for making the payment or credit. The clerk**
32 **may contract with a bank or credit card vendor for acceptance of**
33 **bank or credit cards. However, if there is a vendor transaction**
34 **charge or discount fee, whether billed to the clerk or charged**
35 **directly to the clerk's account, the clerk may collect a credit card**
36 **service fee from the person using the bank or credit card. The fee**
37 **collected under this section is a permitted additional charge to the**
38 **money the clerk is required to collect under section 1(1) of this**

1 chapter.

2 **Sec. 3. The clerk shall forward credit card service fees collected**
 3 **under section 2 of this chapter to the county auditor or city or town**
 4 **fiscal officer in accordance with IC 33-19-1-3(a). These funds may**
 5 **be used without appropriation to pay the transaction charge or**
 6 **discount fee charged by the bank or credit card vendor.**

7 SECTION 8. IC 35-33-8-9 IS ADDED TO THE INDIANA CODE
 8 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 9 **1, 2003]: Sec. 9. In addition to any other condition of bail imposed**
 10 **under this chapter, a defendant who posts bail by means of a credit**
 11 **card shall pay the credit card service fee if a credit card service fee**
 12 **is imposed under IC 33-19-6.5.**

13 SECTION 9. IC 35-33-9-7 IS ADDED TO THE INDIANA CODE
 14 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 15 **1, 2003]: Sec. 7. In addition to any other condition of bail imposed**
 16 **under this chapter, a defendant who posts bail by means of a credit**
 17 **card shall pay the credit card service fee if a credit card service fee**
 18 **is imposed under IC 33-19-6.5."**

19 Page 5, line 30, delete "six percent (6%)" and insert "**three percent**
 20 **(3%)**".

21 Page 5, line 31, delete "fee." and insert "**fee and may transfer not**
 22 **more than three percent (3%) of the fee to the:**

23 **(1) county treasurer, if the fee is collected by a clerk of the**
 24 **circuit court, and the county treasurer shall deposit the**
 25 **money transferred under this subdivision into the county**
 26 **general fund; or**

27 **(2) city general fund, if the fee is collected by the city clerk or**
 28 **city clerk-treasurer."**

29 Page 9, line 25, after "IC 11-13-1-8." insert "**If the fees collected**
 30 **under IC 31-40-2-1, IC 31-40-2-1.5, IC 35-38-2-1, and**
 31 **IC 35-38-2-1.5 are not sufficient to comply with the minimum**
 32 **compensation requirements established under IC 11-13-1-8, the**
 33 **county council may by ordinance supplement the salary of a**
 34 **probation officer from the county general fund. However, a county**
 35 **is not required to increase probation officer salaries to comply with**
 36 **the minimum compensation requirements established under**
 37 **IC 11-13-1-8 if the fees collected under IC 31-40-2-1,**
 38 **IC 31-40-2-1.5, IC 35-38-2-1, and IC 35-38-2-1.5 are insufficient to**

- 1 **do so."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 506 as reprinted February 21, 2003.)

and when so amended that said bill do pass.

Representative Moses